



**Transcript for the November 2009 Webchat
The Visa Waiver Program (VWP) and ESTA**

Q: I am an Italian Citizen. I had in 1999 an order of removal issued against me. I left the US without knowing this in the same year, but when I returned, I wasn't allowed entry. I was also informed I couldn't enter the United States for 10 years from then. My question is: do I now need a Visa or can I enter US with the Visa Waiver like I used to?

A: You can no longer travel to the United States without first obtaining a U.S. visa. Your deportation from the U.S. and apparent period of unlawful presence there constitute an ineligibility. Even after your 10 years' ban expires, you will require a visa to visit the United States. Please see our website, <http://london.usembassy.gov>, for information about how to apply.

Q: I run a UK outbound tour operation sending UK customers on tours in the US. What visa requirements would a UK tour leader need to stay in the US over the summer months to lead these tours. The tour leader will also need to cross into Canada for the Canadian tours, so several border crossings will be necessary within the tour leader's season.

A: Provided the individual is acting in the capacity of a tour manager and not tour guide – i.e., is responsible for the day to day operation of the tour and not involved in providing factual information about the U.S. tourist sites, s/he will require a B-1 business visa.

Q: We will be running a UK based tour business and we need to be in the USA for just under 6 months each year to take our clients to there destinations and on hikes do we fall under the B1 visa?

A: Unfortunately you have provided insufficient information for me to advise you on the type of visa required. I suggest that you call our Live Operator Service on 09042 450 100 (Calls cost 1.20/min) as they will be able to advise you.

Q: French authorities seem not to deliver biometric passports for babies (minimum age: 6 years for a biometric passport). Will my (French) baby require a visa for travelling to the US or is he allowed to travel under the VWP?

A: You can find all information about passport requirements for Visa Waiver Program (VWP) travel on our website, at http://london.usembassy.gov/cons_new/visa/niv/mrp_bio.html. If the passport was issued, renewed/extended on or after October 26, 2006, it must include an integrated circuit chip capable of storing the biographic information from the data page, a digitized photograph and other biometric information. This requirement includes children. If you are unable to obtain a biometric passport for your child, then you will be required to apply for a visa on his behalf.

Q: I have a criminal record can I still go to the USA on holiday?

A: Perhaps, but you will have to apply for a visa first. Travelers with criminal records are not permitted to travel under the Visa Waiver Program. Please see our website, <http://london.usembassy.gov>, for more information about how to apply for a visa.



Q: I got married to an American I was born in the UK can I apply for a six month visa?

A: If you are a UK citizen and have married a US citizen, and plan to move to the United States, you need to visit our website for information about how to obtain an immigrant visa. See: http://london.usembassy.gov/cons_new/visa/iv/index.html

Q: I have recently found my Green Card/Visa Waiver that I was issued back in 2006; it had completely slipped my mind. I have read on the form that failure to submit this form upon exiting the US could cause issues, and I have another trip scheduled in early 2010. Please could you advise the best next steps to take - do I send this in along with a copy of my passport for example? Thanks! Gordon

A: If you returned home with your Form I-94 (white) or Form I-94W (green) Departure Record in your passport, it is possible that your departure was not recorded properly.

If you failed to turn in your I-94 Departure Record, please send it, along with any documentation that proves you left the United States to:

DHS - CBP SBU, 1084 South Laurel Road, London, KY 40744

Q: My husband has not got a machine readable passport. Does he need a visa?

A: In order to travel under the Visa Waiver Program, you have to meet all of the requirements. Please see our website, http://london.usembassy.gov/cons_new/visa/niv/vwp3.html, for details about all of these requirements, including what type of passport you must have. If you do qualify for VWP travel, you must also register with ESTA.

Q: I was given a visa last March which required me to get a waiver due to a permanent ineligibility I have. My visa runs out in March 2010. I wish to go to Washington for my honeymoon in November next year. Do I have to apply for the whole visa again, have it be denied and then offered the waiver again?

A: Yes. When your visa expires, you must apply for a new one; you are not permitted to travel under the Visa Waiver Program. Your ineligibility, as it was a permanent one, will always require you to get a new waiver approved if you want to travel to the United States. When you apply for the new visa, they will instruct you as to what steps to take. Be sure to inform the Live Operator Service about your ineligibility when you call to book your appointment.

Q: Does it affect you on port of entry if you misspell your name on ESTA?

A: If you have spelled your name incorrectly in your ESTA application, or made any other error when filling out your ESTA, you must submit a new, corrected ESTA application. You can do this by logging on to the same official ESTA website, <https://esta.cbp.dhs.gov>, and submitting a new application.



Q: I have recently booked a holiday to New York and realised my partner was cautioned 7 years ago for possession of cannabis. Is this going to cause a problem for us? Thanks.

A: Your partner is not eligible to travel to the United States under the Visa Waiver Program. He/she must apply for a U.S. visa. Please call our Live Operator Service at 09042-450-100 (calls are charged at GBP 1.20 per minute) to book an appointment, and have your partner explain about his/her caution; they will be able to give you all details about how to apply.

Q: My son has just got word through that his visa application has been refused and that he cannot re apply for 3 years. He has a drink driving conviction which is almost two years old.

A: Anyone who has been arrested or convicted of an offense is required to apply for a visa. If found ineligible to receive a visa under U.S. visa law, s/he will require a waiver of ineligibility to travel. The recommendation for a waiver is not based on the passage of some specified amount of time since the commission of the offense, or any other special statutory threshold requirement. A consular officer is required to consider the recency and seriousness of the activity or condition causing the alien's inadmissibility, the reasons for the proposed travel to the United States, and the positive or negative effect, if any, of the planned travel on U.S. public interests when making the decision.

Q: Hi I'm visiting the US in December I am a British citizen travelling with two children how do I apply for the visas?

A: If you and your children are all British Citizens, you may qualify to travel under the Visa Waiver Program. Please visit our website at http://london.usembassy.gov/cons_new/visa/niv/vwp3.html for all details and to see if you are eligible. If you do qualify for VWP travel, you must then also register with ESTA at <https://esta.cbp.dhs.gov>.

Q: My wife has a British overseas passport, does she require a visa, she wants to stay for about 3 weeks.

A: Your wife requires a visa. As stated on our website under "Details About the Visa Waiver Program," at http://london.usembassy.gov/cons_new/visa/niv/vwp3.html, British Overseas Citizens are not included in the Visa Waiver Program. A passport indicating that the bearer is a British Subject, British Dependent Territories Citizen, British Overseas Citizen, British National (Overseas) Citizen, or British Protected Person does not qualify for travel without a visa. A passport which states holder has Right of Abode or indefinite leave to remain in the United Kingdom does not qualify for visa free travel.



Q: I have a British passport and would like to stay in the US more than 90 days.

A: You must apply for a visa. Under the Visa Waiver Program, citizens of qualifying countries may not stay for more than 90 days in the U.S. You may not apply to extend your stay in the United States once you are there if you entered the U.S. under the Visa Waiver Program. You can find all information about how to apply for a visa on our website, at <http://london.usembassy.gov>.

Q: Dear Sir. I am hoping to take a group of scouts to California in August 2010. There will be a total of 39 of us traveling, approx ten adults twenty nine scouts. Do the Adults taking the group need to have a work visa. We are not being paid to take the scouts; we are all volunteers.

A. No. If you are merely accompanying the scouts to the United States you may, if qualified travel visa free under the Visa Waiver Program. If, not, you will be required to apply for B-2 visas. Further information is available from our website – <http://london.usembassy.gov>.

Q: Hi, I'm a British Citizen now but before I got my UK citizenship I was refused a visa. I want to know, can I travel visa free or do I need a visa to go to the US on holiday?

A: If your UK passport is otherwise eligible for Visa Waiver travel, you need to register with ESTA at <https://esta.cbp.dhs.gov>. You must answer the question regarding whether or not you have ever been refused a visa as "yes," regardless of whether it was in your old nationality. If you are found eligible under ESTA, you may travel visa free. Otherwise, you must apply for a visa as per the procedures outlined on our website.

Q: I have a valid visa, do I need to get travel authorisation issued?

A: If you have a valid U.S. visa, you do NOT need to register with the Electronic System for Travel Authorization (ESTA). ESTA registration is required only for travelers going to the United States under the Visa Waiver Program.

Q: How can I work under ESTA and VWP?

A: You cannot. Individuals entering the U.S. under the Visa Waiver Program, or those with U.S. visitor's/business visas, are not permitted to work in the United States. If you wish to work in the United States, you will require a special category of visa. You can find all information about these visas on our website, <http://london.usembassy.gov>.

Q: If I have a misdemeanor for underage drinking, will I be allowed in??

A: You will need to apply for a visa. Travelers to the United States must establish their eligibility for admission under U.S. visa law. Those with arrests or convictions may be ineligible on criminal grounds. As U.S. visa law does not recognize the Rehabilitation of Offenders Act, a spent conviction, regardless of when it may have occurred, must be declared. Under certain



circumstances those found ineligible to enter the United States may apply for a temporary waiver of their ineligibility so that they can travel. Factors included in the decision to recommend a waiver would include: the severity of the crime that created the visa ineligibility; the period of time that has elapsed since they committed the crime or served a prison sentence, the reason and duration of the visit and any humanitarian considerations.

You are welcome to apply for a visa and will need to bring information on your convictions with you to the interview. I suggest that you visit our website at http://london.usembassy.gov/cons_new/visa/niv/add_crime.html for further information.

Q: I am planning a surprise 40th Birthday present for my wife in April 2010 - to take her to the US. We both hold UK passports; I a Biometric and my wife a MRP. Do we need visas to enter the US?

A: Please visit our website at the following link: http://london.usembassy.gov/cons_new/visa/niv/mrp_bio.html. This contains detailed information about what type of passport is acceptable for Visa Waiver travel. This depends upon various factors, such as when your passport was issued.

Q: I got rejected from the US on my last trip because I was going to play at an event so I have been banned from the visa waiver program but was told I could go back on another visa?? Which visa should I apply for??

A: If you have been previously refused entry to the United States, you are no longer eligible to travel visa free; you will require a visa. The type of visa required will depend on the purpose of travel. If you are going to the United States with a view to playing at an event, you may require either an O-1 or P-1 visa. I suggest that you visit our website at <http://london.usembassy.gov> for further information.

Q: I have a B1/B2 Visa from my last trip to the US in 2005, expiry on this is 2015.
Do I need to complete the ESTA electronic application before travelling to the states again in December?
Thanks,

A. No. If you hold a valid U.S. visa, you are not required to register under ESTA. ESTA applies only to those travelers entering the United States under the Visa Waiver Program.

Q. I paid for ESTA earlier this year and have received notification, seemingly from DHS, that I have been victim of fraud – that ESTA is free.
Can I check if the ESTA I paid for was, in fact, granted and still valid? or should I apply again before visiting next year?

A: If you kept your registration number you can visit the official ESTA website at <http://esta.cbp.dhs.gov> and check your registration. However, to be safe, it is probably best that you re-register on the official website.



Q: Can I claim back the £20 I paid for the ESTA I applied for on a non-official website?

A: If you wish to make a complaint about an unsatisfactory service, you may wish to consider contacting the Trading Standards Institute.

Q: I recently submitted my ESTA application on a non-government website. It was first accepted but then cancelled as I had made a mistake with my credit card details. My friend whom I am travelling with submitted hers on the correct website and was accepted. I tried to submit my ESTA on the official site at <https://esta.cbp.dhs.gov> and was told my passport was ineligible for ESTA visa waiver can you tell me why?

A: In order to register under ESTA, the traveler must be eligible to travel visa free under the Visa Waiver Program. As you have not provided information concerning your nationality or passport, I am afraid that I cannot shed any light on this. I suggest that you visit our website at <http://london.usembassy.gov> where you can check your eligibility to travel visa free under the Visa Waiver Program.

Q: We have been duped into paying for an ESTA because the site looked genuine and we did not know it was available free. Might you prevent that scam?
It also ODD that, thought the information is identical to that on a Green Card I have been returned to the back of the queue because I did not fill in a Green Card as well.
I have been travelling to the USA lecturing, holidaying, and seeing family since 1969. I am very fond of it!

A: We are aware that there are companies offering their services for a fee to those seeking to register under ESTA and we have been involved in an aggressive publicity campaign in the United Kingdom to highlight this issue and of the existence of only one official U.S. government website for ESTA registration.

ESTA will eventually replace the arrival/departure record card, form I-94w, but for now travelers are required to complete this form in addition to registering under ESTA before traveling.

Q: I have a question regarding a drink driving offence in the UK. My driving ban will finish on 15/01/2010. Do I need a visa? I am a British citizen and have no other offence.

A: Anyone who has been arrested or convicted of an offense is required to apply for a visa. They are not eligible to travel visa free under the Visa Waiver Program. As we do not pre-adjudicate visa applications I am unable to advise you of the likely outcome of your application. I suggest that you visit our website at <http://london.usembassy.gov> for further information on the application process.



Q: I have a 10 year, multiple entry US B2 visitors visa. I had my visa refused once at US London embassy once before. The ten year US Visa is on my Indian passport. I am now a British citizen with a British passport. Would I be eligible for ESTA? Or would I have to get my ten year visa transferred to my British passport in case I am not eligible for ESTA. Please advise.

A: If you are qualified to travel under the Visa Waiver Program, you may submit a registration under ESTA. If your application is approved, you may travel, if not, you will be required to apply for a visa on your U.K. passport. I suggest that you visit the Embassy website at <http://london.usembassy.gov> for further information.

Q: I have a criminal record for affray from back in 2003; does this affect me if I want to travel to the USA.

A: Travelers who have been arrested or convicted of an offense are required to apply for a visa; they are not eligible to travel visa free under the Visa Waiver Program. I suggest that you visit our website at <http://london.usembassy.gov> for information on applying for a visa.

Q: I overstayed in the United States because I had a medical condition which prevented me from leaving the country. Will I be penalized for this?

A: If you were in the United States either on the Visa Waiver Program, which permits stays of up to 90 days, or with a valid visa, and stayed longer than the time you were permitted upon entry by U.S. border officials, then you have violated U.S. immigration law. Even if you were unable to leave the United States within the specified period for an emergency medical reason, you should have contacted the Bureau of Citizenship and Immigration Services (USCIS) in the US to ask for permission to stay longer. Your overstay may cause you problems for further visa-waiver travel to the US. You should register online with ESTA to see if you are still eligible for Visa Waiver travel.

Q: I'm a British passport holder, 82 yrs of age. I've been to America several times. I'm planning to travel to Miami on dec.30 and some of my friends told me that I need to get a visa to enter. Is that your new laws? Please if it so tell me what do I need to do.

A: If you are a British Citizen, you may qualify to travel under the Visa Waiver Program. Please visit our website at http://london.usembassy.gov/cons_new/visa/niv/vwp3.html for all details and to see if you are eligible. If you do qualify for VWP travel, you must then also register with ESTA at <https://esta.cbp.dhs.gov>.



Q: My child has autism. Can he travel visa wavier? The ESTA application asks about mental disorders.

A: If you click on the highlight for “mental disorders” on the ESTA application question regarding this issue, you see that it takes you to an explanation. Briefly, it says to answer “yes” if you have or had a mental disorder which has a history that has posed a threat to property, safety or welfare of others, and is likely to recur or lead to other harmful behavior. You are to answer “no” if your disorder does not cause such threats, or is not likely to recur. Please see the ESTA website, <https://esta.cbp.dhs.gov>, for more information, and click on the links provided in the question.

Q: How can I correct a mistake I made on my ESTA application?

A: The ESTA website will allow applicants to review their data prior to submitting the application, including reconfirming the passport number. If you make a mistake on your passport or biographical information or in answering the eligibility questions, you will need to submit a new application. Any other mistakes may be corrected or updated by using the update function.

Q: Dear Sir/Madam, I'm a holder of a Slovak passport and am therefore eligible to travel under the VWP. My question is if I hold a valid 10-year visa to the USA do I still need to possess the biometric passport? Thank you

A: If you hold a valid U.S. visa, and therefore do not wish to opt to travel under the Visa Waiver Program, the passport requirements as set out for the VWP do not apply to you. As long as your visa and passport both continue to be valid, you should be fine to travel to the United States. You do not need to register with ESTA.

Q: My husband had to return home to the UK for a family emergency. In the stress of the situation neither of us thought about his green card expiring ... the form for the removal of conditions has been filed however we have concerns about re entry to the US. Can he use the VWP to get back?

A: If your husband is a US Legal Permanent Resident (LPR, or “green card holder”), he should be able to travel to the US on his green card so long as he has not been outside of the United States for a period of longer than one year. This is true even if his green card is technically “expired.” However, your husband may wish to contact the USCIS London office for further information regarding his case. They can be reached at <http://london.usembassy.gov/dhs/uscis/index.html>

Q: My son, aged 23, has a cannabis conviction and will have completed his three year prison sentence in June 2010. Can he travel to the US on holiday with the family in October 2010?

A: Your son will have to apply for a US visa prior to traveling to the United States, due to his criminal record. He can find all information about how to do this on our website, <http://london.usembassy.gov>, or by calling our Live Operator Service at 09042-450-100 (from within the UK; calls are charged at GBP 1.20 per minute).



Q: I am travelling to the USA from London on 03/11/09 until 7/11/09, my passport is due to run out in March 2010 what will I need to do in order to travel.

A: The requirement that a passport be valid for six months beyond the holder's stay in the United States is waived in the case of a British passport holder. Provided your passport is valid for the duration of your visit, you may travel. If traveling under the Visa Waiver Program and your passport is not valid for 90 days, you will be admitted until the date on which it expires.

Q: I was sent to prison in 2002 for possession of drugs which I received 8 years, released in 2006, will this stop me entering the USA for a family holiday. Thanks.

A: Because of your criminal record, you are no longer eligible to travel under the Visa Waiver Program. You must apply for a visa prior to traveling to the United States. You can find all information about how to do so on our website, <http://london.usembassy.gov>, or by calling our Live Operator Service at 09042-450-100 (from within the UK; calls are charged at GBP 1.20 per minute).

Q: Me and my wife are UK passport holders and wish to travel around the USA for 6 months we both hold the electronic system passport hope you can help

A: If you are an eligible citizen of a Visa Waiver country, please note that travel to the US under the VWP is for 90 days or less. If you would like to stay longer than 90 days, you must apply for a U.S. visa prior to your trip to the United States.

Please note that your U.S. visa is only permission to go to the U.S. border and ask for entry. Decisions about who may enter the United States, and for how long, are up to the US Dept of Homeland Security's Bureau of Customs and Border Protection (CBP). Upon entry to the U.S., a CBP officer at the port of entry will inform a traveler how long their maximum stay in the United States may be.

Q: Can I arrive by cruise ship at Seattle and fly home to the UK with just an ESTA authorisation?

A: This will depend upon whether your cruise line and airline participate in the Visa Waiver Program. You should check with them regarding this. Most major airlines participate in the VWP, as do a number of major cruise lines. If your carriers do not participate, you must obtain a visa prior to travel. You must also qualify for Visa Waiver Travel in all other regards. Please visit our website, http://london.usembassy.gov/cons_new/visa/niv/vwp3.html, to ensure that you meet all VWP requirements.



Q: I'm hoping to travel to the US with my son (a minor and US citizen) in Feb 2010 -- how long should I allow to complete the ESTA? I usually travel to the US on the visa waiver program -- I am a UK citizen

A: Filling out your ESTA application online should take only minutes, and your authorization when received is valid for two years. Thus, you can apply for your ESTA in advance. Please visit the official ESTA website, <https://esta.cbp.dhs.gov>, for all information and to register. Please note that this is the ONLY official website for ESTA registration.

Q: I'm an author and I've just been invited to speak in the US in a conference and I will be paid a fee for my speaking. I may also be invited by some other companies around the same time to speak. I will only be in the US for about a month. What kind of visa should I obtain bearing in mind I'm a UK citizen? Thank you

A: If you are being paid for your speaking engagement, you will require an appropriate working visa. Please visit our website for information about the O1 visa category.

Q: How can I spend some time working in the USA? I am 26 and a British Passport Holder

A: A: You cannot do this without first obtaining the proper visa. Individuals entering the U.S. under the Visa Waiver Program, or those with U.S. visitor's/business visas, are not permitted to work in the United States. If you wish to work in the United States, you will require a special category of visa. You can find all information about these visas on our website, <http://london.usembassy.gov>.

Q: Hello, my husband and me (both Spanish citizens) are flying to Mexico stopping in Houston airport for an hour to change our flight. Do we need any visa for this?

A: You and your husband should be eligible to travel to the United States, either for tourism or as a transit, under the Visa Waiver Program. To check to make sure that you qualify, please see our Visa Waiver Wizard on the Embassy's website: http://london.usembassy.gov/cons_new/visa/visa_wizard.html. Please note that if you do qualify to travel under the VWP, you must also register for ESTA at <https://esta.cbp.dhs.gov>.

Q: Hi, we are hoping to go to Florida in 2011 for my son's 21st. When he was 16 he got arrested and a caution for drug substance (personal use). It never went to court. How far in advanced can he apply for a visa? Also, could he still be denied entry when we arrive in Florida? Why would this happen when he as already been approved a visa from the Embassy?

A: Your son can apply for his visa anytime—we would recommend as soon as possible, particularly given that his case will require additional review for his criminal record. Your son will not be able to travel under the Visa Waiver Program, as he has been arrested—even though the case never went to court. Please call our Live Operator Service, tel 09042-450-100, to book a visa appointment. If your son's visa is approved, this is only permission for him to ask for entry at the U.S. border. The ultimate decision about who may enter the United States is up to



officers from the Bureau of Customs and Border Protection, who you will see at the port of entry.

Q: I have an existing ESTA which was issued on a passport which was due to expire July 2010. I have now renewed the passport which has a new number. Do I need to apply for a new ESTA or can I amend my existing ESTA?

A: If you obtain a new passport or there is a change to your passport information, you must apply for a new travel authorization.

Q: If someone with HIV wants to go to the USA for a holiday do they have to have a visa?

A: Yes; travelers with HIV are required to apply for a visa.

Q: Been arrested and been to court for a public order offence and received 6 month conditional discharge and a petty £60 fine, this was just from having argument with my brother on night out, this was in Feb 2007, can I travel to Las Vegas next year under the visa waiver program ?

A: No. Anyone who has been arrested or convicted of an offense is required to apply for a visa. If found ineligible to receive a visa under U.S. visa law, s/he will require a waiver of ineligibility to travel. The recommendation for a waiver is not based on the passage of some specified amount of time since the commission of the offense, or any other special statutory threshold requirement. A consular officer is required to consider the recency and seriousness of the activity or condition causing the alien's inadmissibility, the reasons for the proposed travel to the United States, and the positive or negative effect, if any, of the planned travel on U.S. public interests when making the decision.

Q: I have spent convictions under UK law do I tick no or yes to criminal record?

A: You will need to tick yes and apply for a visa. Travelers to the United States must establish their eligibility for admission under U.S. visa law. Those with arrests or convictions may be ineligible on criminal grounds. As U.S. visa law does not recognize the Rehabilitation of Offenders Act, a spent conviction, regardless of when it may have occurred, must be declared. Under certain circumstances those found ineligible to enter the United States may apply for a temporary waiver of their ineligibility so that they can travel. Factors included in the decision to recommend a waiver would include: the severity of the crime that created the visa ineligibility; the period of time that has elapsed since they committed the crime or served a prison sentence, the reason and duration of the visit and any humanitarian considerations.

Q: Hi, I wanted to know how many times per year can I go to US on VWP, secondly how long can I stay and finally how frequently I can reenter US.

A: The Embassy cannot answer this question. Provided you are qualified for VWP travel, and have registered with ESTA, the determination about whether you will be admitted to the US, for how long, and how many times per year is the decision of the officers you will see at the US port of entry, from the Bureau of Customs and Border Protection. You can find out more about their policies on their website, www.cbp.gov.



Q Hi, do i need to apply for a ESTA for my 7 months old baby? iam traveling to USA next Tuesday.

A: All travelers wishing to go to the US under the Visa Waiver Program, no matter what age, must have their own ESTA registration.

Q: under the visa waiver program / tourist visa would one be allowed to perform in a paid, live, public show?

A: No. Please see our website for all information about how to apply for the appropriate visa for your trip.

The webchat ended at 11:00 GMT.